



Dkt. 69806 CCD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yoshifumi NOGE et al.

Serial No.: 10/634,551

Group Art Unit 1774

Filed : August 5, 2003

Examiner B.H. Hess

For : RECEIVING PAPER FOR THERMAL
TRANSFER RECORDING AND
MANUFACTURING METHOD THEREOF

PETITION

**(I) UNDER 37 C.F.R. §1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT**

or in the alternative
**(II) UNDER 37 C.F.R. §1.137(a)
TO REVIVE ABANDONED APPLICATION
FOR UNAVOIDABLE DELAY**

or further in the alternative
**(III) UNDER 37 C.F.R. §1.137(b)
TO REVIVE ABANDONED APPLICATION
FOR UNINTENTIONAL DELAY**

1185 Avenue of the Americas
New York, N.Y. 10036
October 5, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

This petition is submitted in response to the Notice of Abandonment dated September 26, 2007, in the above-identified application. The ground of abandonment stated in the Notice is applicants' failure to pay the issue and publication fees for the application by the due date, August 31, 2007, in response to the Notice of Allowance dated May 31, 2007.

Submitted herewith are (1) a check in payment of the issue and publication fees totaling \$1,740.00 (the currently applicable rate) for the above-identified application, together with a completed and signed Form PTOL-85B (transmittal form); (2) Exhibits, described below, evidencing telephonic and written communications between the Examiner handling the application and applicants' attorneys of record during the period between August 20, 2007, and September 26, 2007; and (3) a statement of the pertinent facts, by applicants' undersigned attorney. Attention is also directed to the availability of papers included in the aforementioned Exhibits in the Image File Wrapper of the above-identified application on Public PAIR.

The Commissioner is hereby authorized and requested to charge any additional fees due in connection with the Petition to the deposit account of Cooper & Dunham, No. 03-3125, including, without limitation, any underpayment of the issue and publication fees and any petition fees due under 37 C.F.R. §§1.17(l), 1.17(m), 1.137(a) and 1.137(b).

(I) PETITION UNDER 37 C.F.R. § 1.181(a)

In the first instance, this is a petition to withdraw the holding of abandonment because the application was withdrawn from issue before the period originally set for payment of the issue and publication fees expired, and no new period for payment of such fees has yet been set; hence, there has been no failure to make timely payment of the issue and publication fees, and therefore the application has not become abandoned. In support of this petition, applicants submit that:

- a) On August 31, 2007, within the period for payment of the issue fee (which did not expire until the end of that day), the Examiner notified applicants' attorney Paul Teng by telephone that the application would be withdrawn from issue for rejection of claims on a reference that had been timely cited and submitted with an Information Disclosure

Statement (IDS) by applicants early in the prosecution but had not been brought to the Examiner's attention until a few days before August 31, 2007, owing to error on the part of the Patent and Trademark Office (USPTO); the Examiner added that in view of these circumstances the applicant should not pay the issue fee.

- b) Also on August 31, 2007, the Examiner sent to Mr. Teng by Facsimile a written Interview Summary (see attached EXHIBIT 3) stating that an Office Action "is being prepared which applies a reference . . . against some of applicants' claims." The Interview Summary, listed in the Transaction History and included in the Image File Wrapper of the subject application on Public PAIR with a date of August 31, 2007, constituted by necessary implication a written notice that the application was being withdrawn from issue; this notice was given prior to the original deadline (midnight, August 31, 2007) for payment of the issue and publication fees (a copy of this Interview Summary was mailed to the undersigned attorney of record on September 14, 2007).
- c) In addition, on the same day, August 31, 2007, Mr. Teng submitted a written communication (see attached EXHIBIT 4) by Facsimile transmission to the USPTO, making of record the Examiner's telephoned statements that the application would be withdrawn from issue for consideration of a reference and that in view of these circumstances, applicant should not pay the issue fee. This Communication, listed in the Transaction History and included in the Image File Wrapper of the subject application on Public PAIR with a date of August 31, 2007, constituted a further timely written record evidencing applicants' understanding that the application was being withdrawn from issue before payment of the issue fee and before the deadline set for such payment.
- d) When an application is withdrawn from issue before the deadline for payment of the issue fee, and before the fee

has been paid, it is not necessary for the applicant to pay the issue fee until a new Notice of Allowance is received. No new Notice of Allowance has yet been received, and according to Public PAIR no new Notice of Allowance has issued up to the present date in the above-identified application. Therefore, the application has not become abandoned for nonpayment of the issue and publication fees. The Notice of Abandonment should be withdrawn, and a new Notice of Allowance should be issued, setting a new due date for the issue and publication fees.

(II) ALTERNATIVE PETITION UNDER 37 C.F.R. §1.137(a)

In the alternative, if it is deemed that the application was not withdrawn from issue, this is a petition to revive the above-identified application because the delay (in payment of the issue and publication fees) that caused the abandonment was unavoidable.

The delayed required reply (payment of issue and publication fees) is submitted herewith. Authorization to charge the applicable petition fee to a deposit account is set forth above. No terminal disclaimer is required. The requisite showing of unavoidability is set forth in the statement of applicants' attorney Paul Teng (see attached EXHIBIT 4), in other Exhibits attached hereto, and in the Statement of Facts by Christopher C. Dunham set forth below.

Stated briefly, Mr. Teng was prepared to pay the issue and publication fees on August 31, 2007 and had Form PTOL-85B completed for his signature and had obtained a check for the fees (see EXHIBIT 1 attached hereto), when he received a telephone call from the Examiner in which the Examiner advised him that the application was being withdrawn from issue for preparation of a new Office Action based on previously unconsidered art, and that the issue fee need not be paid. Therefore, in reliance on the Examiner's telephoned advice (evidenced by the Examiner's Interview Summary record, EXHIBIT 3

hereto attached, and by Mr. Teng's own communication filed by Facsimile on the same day), Mr. Teng did not pay the issue fee.

Applicants submit that a delay in payment of issue and publication fees in reliance on express or implicit written advice by an Examiner that the application is being withdrawn from issue for preparation of a new Office Action, is unavoidable delay, especially where the written notice is reinforced by express telephoned advice from the Examiner that the issue fee need not be paid, which telephoned advice is timely and explicitly made a part of the written record in the USPTO file by the applicants' representative.

Moreover, a "Supplemental" Notice of Allowability was mailed on September 25, 2007, indicating on its face that a Notice of Allowance would follow (and, by necessary implication, would set a new date for payment of the issue fee). Thus, the unavoidable delay continued until applicants' undersigned attorney received the aforesaid Notice of Abandonment on October 1, 2007. The period since October 1, 2007, has been occupied in preparing this petition.

(III) ALTERNATIVE PETITION UNDER 37 C.F.R. § 1.137(b)

Further in the alternative, if the delay that caused the abandonment is not deemed to have been unavoidable, this is a petition to revive the above-identified application because the delay in payment of the issue and publication fees) that caused the abandonment was unintentional.

The delayed reply (payment of issue and publication fees) is submitted herewith. Authorization to charge the petition fee to a deposit account is set forth above. No terminal disclaimer is required.

The undersigned attorney of record hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

STATEMENT OF FACTS BY
CHRISTOPHER C. DUNHAM

1. I am an attorney of record in the above-identified application and am the person designated in the correspondence address of the Power of Attorney in the application.

2. On November 21, 2003, I caused to be mailed, to the United States Patent and Trademark Office (USPTO), an Information Disclosure Statement (IDS) submitting certain references which had been cited less than three months earlier in a European Search Report in applicants' counterpart European Patent Application. This IDS was received in the USPTO on November 24, 2003, before any Office Action issued in the above-identified application, and was therefore timely. A photocopy of the IDS, and a photocopy of the accompanying return card therefor showing the date received in the USPTO, are included in EXHIBIT 2 attached hereto.

3. On May 31, 2007, the USPTO mailed a Notice of Allowance of the application to me, setting a date of August 31, 2007, for payment of the issue and publication fees. This Notice of Allowance was received by me on or about June 4, 2007. A photocopy of the form PTOL-85B which accompanied the Notice of Allowance is included in EXHIBIT 1 attached hereto.

4. On or about August 17, 2007, in the course of preparing for a planned vacation that would continue until September 9, 2007, I asked my law partner, Paul Teng, an attorney registered to practice in the USPTO, to pay the issue and publication fees for the above-identified application upon receiving expected instructions from the assignee, and I delivered my file of the application into his custody. I then left for vacation and did not return to my office until September 10, 2007.

5. I am informed and believe that during my absence, on or about August 20, 2007, instructions to pay the issue and publi-

cation fees for the subject application were received by my office by Facsimile transmission from the assignee, and were brought to Mr. Teng's attention.

6. I am informed and believe that thereafter, on or before about August 23, 2007, Mr. Teng or a legal assistant working under his direction reviewed the file of the application, noted that an initialed copy of the IDS mailed November 21, 2003, had not been returned by the Examiner handling the application, inquired of the Examiner by telephone whether the IDS had been considered, and, at the request of the Examiner, transmitted a photocopy of the IDS by Facsimile to the Examiner. EXHIBIT 2 attached hereto is a photocopy of this Facsimile transmission, showing a transmission date of August 23, 2007, together with a photocopy of a subsequent Facsimile transmission cover sheet showing that a copy of the aforementioned European search report was transmitted to the Examiner on August 28, 2007. See EXHIBIT 4 attached hereto, including a photocopy of a statement of pertinent facts by Mr. Teng which was transmitted to the USPTO by Facsimile on August 31, 2007, and is in the Image File Wrapper (IFW) of the application on Public PAIR.

7. I am informed and believe that thereafter, on or before August 31, 2007, Mr. Teng prepared to pay the issue and publication fees for the subject application by having Form PTOL-85B completed for signature and causing a check in the amount of the fees to be issued by our law firm's accounting department. Photocopies of the check and of the completed but unsigned Form PTOL-85B prepared for his signature are included in EXHIBIT 1 attached hereto.

8. I am further informed and believe that on August 31, 2007, which was the due date for payment of the issue and publication fees, the Examiner telephoned Mr. Teng to advise that (in Mr. Teng's words, in the aforementioned statement included in EXHIBIT 4)

"he [the Examiner] considered the references cited in the November 21, 2003 Information Disclosure Statement, and has decided that the application will be withdrawn from issue and that he will issue an Office Action rejecting one or more claims based on one or more of the references cited in the November 21, 2003 Information Disclosure Statement. The Examiner further stated that in view of these circumstances, applicant should not pay the issue fee."

Mr. Teng's statement gives a date of "October 31, 2007," for the telephone call, but this is obviously an inadvertent error since the statement itself was transmitted to and received by the USPTO via Facsimile on August 31, 2007, as shown in the IFW copy of the statement on Public PAIR.

9. On August 31, 2007, the Examiner transmitted to Mr. Teng an Interview Summary of the telephone interview described in the preceding paragraph, as appears from the transmission line date in the photocopy of that summary included in Exhibit 3 attached hereto. In the Interview Summary (copy attached as EXHIBIT 3 hereto), the Examiner stated that "an action is being prepared which applies a reference cited on the above noted IDS against some of applicants' claims. This action will be completed after copies of all of the cited foreign patents are obtained."

10. I am further informed and believe that as a result of the August 31, 2007, telephone interview described above, Mr. Teng did not pay the issue and publication fees on that date "but instead will wait for the issuance of a new Office Action," as set forth in his statement (EXHIBIT 4) filed by Facsimile on the same day in the USPTO.

11. On or about September 10, 2007, following my return to my office from vacation, the Examiner telephoned me to arrange a telephone interview, which was held on September 12, 2007

(before the September 12 telephone interview, Mr. Teng told me of the events described in paragraphs 5 through 10 above). In the September 12, 2007, telephone interview, the Examiner explained that the November 21, 2003, IDS and the references submitted therewith did not come to his attention until August 2007, under the circumstances described in paragraph 6 above; he stated that this delay was in no way the fault of the applicants or their representative, who timely filed the IDS before the application was examined, but was instead the fault of the USPTO in failing to deliver the IDS to him. He then said that he considered that an allowed claim of the application would be subject to rejection on a reference that had been submitted with the IDS, but he proposed an amendment that he stated would render the claim allowable. I undertook to find out whether the applicants would approve the proposed amendment. Upon receiving approval from the applicants' assignee, I authorized the Examiner to make the proposed amendment by Examiner's Amendment, by telephone, on or about September 17, 2007.

12. On September 25, 2007, the USPTO mailed a "Supplemental Notice of Allowability" with an attached sheet (page 2) setting forth the Examiner's Amendment of the claims as authorized by me. This Supplemental Notice of Allowability, of which a photocopy is attached as EXHIBIT 5 hereto, was not accompanied by a new Notice of Allowance, but it stated (printed form) that "If not included herewith (or previously mailed) a Notice of Allowance . . . will be mailed in due course" and further stated (on page 2) that any amendment addressing the changes made by the Examiner "MUST be submitted no later than the payment of the issue fee."

13. On September 26, 2007, the USPTO mailed the aforesaid Notice of Abandonment (photocopy attached as EXHIBIT 6 hereto), and I received it on October 1, 2007, late in the afternoon. On October 2, 2007, I discussed the Notice of Abandonment with

the Examiner by telephone. He indicated that the applicants should proceed by petition. I thereupon undertook the preparation of this petition.

14. Before receiving the Notice of Abandonment on October 1, 2007, I did not know and did not believe that the application had become abandoned for nonpayment of the issue and publication fees by the original deadline, August 31, 2007, because I believed that the application had been withdrawn from issue on that date, prior to submission of the fees, and that a new date for payment of the fees would be set. It has always been my intention, and that of Mr. Teng, and of the applicants and their assignee, that the issue and publication fees be timely paid and that a patent issue on the application.

CONCLUSION

For the foregoing reasons, it is courteously requested that the petition be granted; that the Notice of Abandonment be withdrawn (and a new Notice of Allowance issued), or if it is not withdrawn, that the above-identified application be revived; that the payment of the issue and publication fees herewith submitted be accepted; and that a patent be granted on this application.

Respectfully,

Christopher C. Dunham
Christopher C. Dunham
Reg. No. 22,031
Attorney for Applicants
Tel. (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Christopher C. Dunham
Christopher C. Dunham, Reg. No. 22,031
Date: OCTOBER 5, 2007

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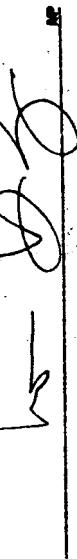
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OCT 09 2007

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 05/31/2007

Christopher C. Dunham
c/o Cooper & Dunham LLP
1185 Ave. of the Americas
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Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Paul Teng	(Depositor's name)
	(Signature)
August 31, 2007	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,551	08/05/2003	Yoshifumi Noge	69806 CCD	6036

TITLE OF INVENTION: RECEIVING PAPER FOR THERMAL TRANSFER RECORDING AND MANUFACTURING METHOD THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	08/31/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
HESS, BRUCE H	1774	428-032390

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	<u>Cooper & Dunham LLP</u>
<input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2 _____
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Ricoh Company, LTD.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Tokyo, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

- Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies 5

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 03-3125 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date August 31, 2007

Typed or printed name Paul Teng

Registration No. 40,837

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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FACSIMILE TRANSMISSION PLEASE DELIVER THE FOLLOWING PAGES

TO : Bruce Hess
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FAX NO. : 1-571-272-1525
FROM : Lois Chang (Legal assistant to Paul Teng)
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yoshifumi NOGE et al.

Serial No.: 10/634,551

Filed : August 5, 2003

For : RECEIVING PAPER FOR THERMAL TRANSFER RECORDING
AND MANUFACTURING METHOD THEREOF

INFORMATION DISCLOSURE STATEMENT

1185 Ave. of the Americas
New York, N.Y. 10036
November 21, 2003

Commissioner for Patents,
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Alexandria, VA 22313-1450

S I R:

Attention is respectfully directed to the items of information (copies enclosed) listed on the attached Form PTO-1449. All these items were cited in a Search Report from the European Patent Office, (copy also enclosed) in applicants' counterpart European patent application.

I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Respectfully,

S/

Christopher C. Dunham
Reg. No. 22,031
Attorney for Applicants
Tel. (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

S/

Christopher C. Dunham Reg. No. 22,031

Date 11/21/03

Applicant Yoshifumi NOGE et al.
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Date November 21, 2003

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SN 10/632,551 - filed August 5, 2003



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Form PTO-1449		U.S. Department of Commerce Patent and Trademark Office								Atty. Docket No. 69806 CCD		Serial No. 10/634,551			
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)												Applicants: Yoshifumi NOGE et al.			
												Filing Date August 5, 2003		Group 1774	
U.S. PATENT DOCUMENTS															
Examiner Initial	Document Number	Date						Name		Class	Subclass	Filing Date if Appropriate			
	US 5 1 5 5 0 9 0	10/1992						Aono et al.							
FOREIGN PATENT DOCUMENTS															
Document Number	Date						Country		Class	Subclass	Translation				
0 6 1 8 0 8 0	10/1994						Europe				Yes	No			
0 7 5 1 0 0 5	01/1997						Europe								
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)															
	Patent Abstracts of Japan, vol. 016, No. 299(M-1274), July 2, 1992,														
	Abstract of JP 04082790, 03/16/92														
	European Search Report, EP 03017750.5-1251-, 11/03/2003														
EXAMINER							DATE CONSIDERED								

***EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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TO : Bruce Hess

COMPANY : United States Patent + Trademark Office

FAX NO. : 1-571-273-1525

FROM : Lois Chang (Legal assistant to Paul Teng)

DOCKET : 2271/69806 (CCD)

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 4

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MESSAGE ☎ : European Search Report

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1-212-391-0525

To: Paul Teng

From: Examiner Hess

S.N. 10/634, SSI

1 copy of interview summary

Interview Summary	Application No.	Applicant(s)
	10/634,551	NOGE ET AL.
Examiner	Art Unit	
Bruce H. Hess	1774	

All participants (applicant, applicant's representative, PTO personnel):

(1) Bruce H. Hess

(3) _____

(2) Mr. Teng

(4) _____

Date of Interview: 8-31-07

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____

Claim(s) discussed: 2-7 and 15-18

Identification of prior art discussed: IDS submitted prior to examination.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _____

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Applicants' attention is directed to the fact that an action is being prepared which applies a reference cited on the above noted IDS against some of applicants' claims. This action will be completed after copies of all of the cited foreign patents are obtained.

BRUCE H. HESS
PRIMARY EXAMINER
GROUP 1300

Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,551	08/05/2003	Yoshifumi Noge	69806 CCD	6036
7590 Christopher C. Dunham c/o Cooper & Dunham LLP 1185 Ave. of the Americas New York, NY 10036		09/14/2007	EXAMINER HESS, BRUCE H	
			ART UNIT 1774	PAPER NUMBER
			MAIL DATE 09/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20070831

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Bruce H Hess
Primary Examiner
Art Unit: 1774

0571/64806

(CDS)

<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> RECEIVED COOPER DUNHAM Interview Summary SEP 19 2007 <i>(Signature)</i> </div>	Application No.	Applicant(s)
	10/634,551	NOGE ET AL.
Examiner	Art Unit	
Bruce H. Hess	1774	

All participants (applicant, applicant's representative, PTO personnel):

(1) Bruce H. Hess.

(3) _____

Response by:

(2) Mrs. Teng

(4) _____

10/14/07

Date of Interview: 8-31-07

Type: a) Telephonic b) Video Conference
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes

e) No.

If Yes, brief description: _____

Claim(s) discussed: 2-7 and 15-18

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Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _____

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BRUCE H. HESS
PRIMARY EXAMINER
GROUP 1300

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Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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<p>Aug-31-07 03:50pm From-</p>	<p>+212-281-0631 T-017 P.001/003 F-860</p> <p>COOPER & DUNHAM LLP ATTORNEYS AT LAW 1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10026 TELEPHONE: (212) 278-0400</p> <p>FACSIMILE: (212) 281-0630 (212) 281-0630 (212) 281-0630 (212) 281-0642 (212) 281-0647</p> <p>DOCUMENTIC ADVISOR JAMES D. MADDEN, S. PL. REGULAR - E. L. J., PT. J.</p> <p>PCURSED IBM www.cooperanddunham.com</p> <p>REVIEWED BY: DAVID ALLEN/COOPER & DUNHAM</p> <p>FACSIMILE TRANSMISSION</p> <p>PLEASE DELIVER THE FOLLOWING PAGES</p> <p>TO : <u>United States Patent and Trademark Office</u></p> <p>ATTN. : <u>Examiner Bruce Hess, Group Art Unit 17747</u></p> <p>FAX NO. : <u>(511) 273-8300</u></p> <p>FROM : <u>Paul Teng</u> OUR DOCKET NO. : <u>2271/69806</u></p> <p>DATE : <u>AUGUST 31, 2007</u></p> <p>TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: <u>3</u></p> <p>♦ IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.</p> <p style="text-align: center;">♦ MESSAGE ♦</p> <p>In connection with Serial No. 10/634,551: COMMUNICATION AND RESPONSE TO NOTICE OF ALLOWANCE.</p> <p>Due Date: <u>August 31, 2007</u></p> <p>THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE IDENTIFIED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.</p>
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COMMUNICATION AND RESPONSE TO NOTICE OF ALLOWANCE.

Due Date: August 31, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yoshifumi NOGE et al.

Serial No.: 10/634,551

Group Art Unit 1774

Filed: August 5, 2003

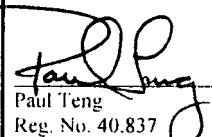
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For: RECEIVING PAPER FOR THERMAL TRANSFER RECORDING AND
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Conf. No.: 6036

Class-Subclass: 428-032390

Issue Fee Due Date: August 31, 2007

I hereby certify that this correspondence is being transmitted by facsimile transmission to the U.S. Patent and Trademark Office at (571) 273-8300.	
 Paul Teng Reg. No. 40,837	August 31, 2007 Date

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMMUNICATION AND RESPONSE TO
NOTICE OF ALLOWANCE**

Sir:

A Notice of Allowance dated May 31, 2007 was issued by the Patent Office in connection with the above-identified application. The due date for paying the issue fee is August 31, 2007.

While reviewing the file after receiving the Notice of Allowance, applicant found that the Patent Office had not returned an initialed version (that is, bearing the initials of the Examiner handling this application) of the Form PTO-1449 submitted with the Information Disclosure

Statement filed on November 21, 2003. Accordingly, applicant's representative contacted Examiner Bruce Hess of the Patent Office who is in charge of examination of this application.

On October 31, 2007, the undersigned received a telephone call from Examiner Hess who stated that he considered the references cited in the November 21, 2003 Information Disclosure Statement, and has decided that the application will be withdrawn from issue and that he will issue an Office Action rejecting one or more claims based on one or more of the references cited in the November 21, 2003 Information Disclosure Statement. The Examiner further stated that in view of these circumstances, applicant should not pay the issue fee.

In view of the discussion by the Examiner with the undersigned, applicant will not be paying the issue fee by the August 31, 2007, but instead will wait for the issuance of a new Office Action.

If the Examiner deems that a further telephone interview is necessary and/or could advance the prosecution of this application, the Examiner is respectfully requested to call the attorney of record.

Respectfully submitted,



Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
Tel.: (212) 278-0400



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10/634,551	08/05/2003	Yoshifumi Noge	69806 CCD	6036

7590 09/25/2007
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1774	

MAIL DATE	DELIVERY MODE
09/25/2007	PAPER

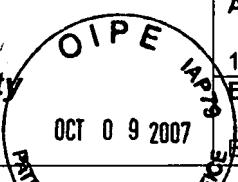
Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

2201/69806

CCD

Supplemental Notice of Allowability



Application No.

10/634,551

Examiner

Bruce H. Hess

Applicant(s)

NOGE ET AL.

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to telephone interviews on 8-31-07
2. The allowed claim(s) is/are 3-7 and 15-18

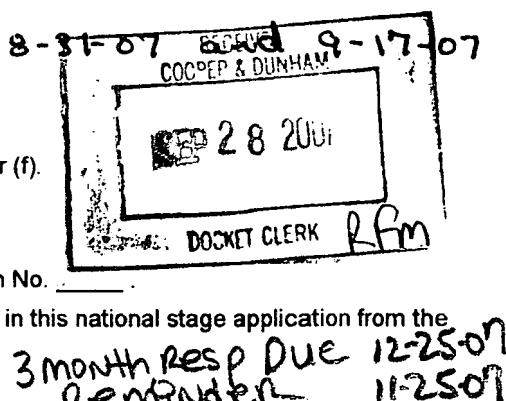
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____
3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.



4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____
- (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date attached
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____

Bruce H. Hess
Primary Examiner
Art Unit: 1774

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicants' attorney, Christopher Dunham, on September 17, 2007.

The application has been amended as follows:

- A. Claim 2 has been cancelled;
- B. In claim 4 (renumbered for issue as claim 1), line 14 after "temperature", --and wherein the resin emulsion comprises a resin having a glass transition point of not less than 45 C -- has been inserted.

The following is an examiner's statement of reasons for allowance: The present claims distinguish over European Patent 0 618 080 which requires a resin having a glass transition point of -60 to -5 C. Thus, applicants' claimed resin having a glass transition point of not less than 45 C is neither taught nor suggested by European Patent 0 618 080.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



BRUCE H. HESS
PRIMARY EXAMINER
GROUP 1300

Interview Summary	Application No.	Applicant(s)
	10/634,551	NOGE ET AL.
	Examiner	Art Unit
	Bruce H. Hess	1774

(1) All participants (applicant, applicant's representative, PTO personnel):

(1) Bruce H. Hess. (3) _____

(2) Christopher Dunham. (4) _____

Date of Interview: 9-17-07

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____

Claim(s) discussed: 2-7 and 15-18

Identification of prior art discussed: EP 0 618 080

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attached examiner's amendment and statement of reasons for allowance
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

BRIECE H. HESS
PRIMARY EXAMINER
1774 1300

Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

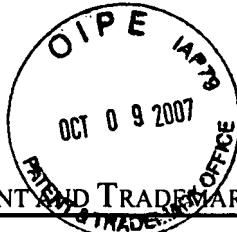
Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Page 1 of 1



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

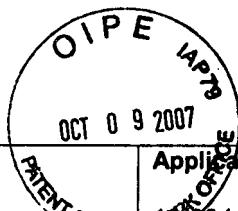
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,551	08/05/2003	Yoshifumi Noge	69806 CCD	6036
7590	09/26/2007		EXAMINER	
Christopher C. Dunham c/o Cooper & Dunham LLP 1185 Ave. of the Americas New York, NY 10036			HESS, BRUCE H	
			ART UNIT	PAPER NUMBER
			1774	
			MAIL DATE	DELIVERY MODE
			09/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

2271/69806

CCD

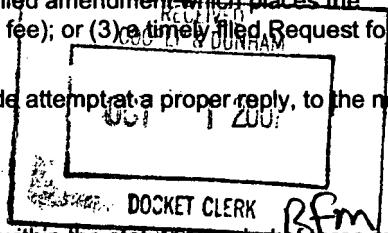


Notice of Abandonment	Application No. 10/634,551 Examiner HESS, BRUCE H	Applicant(s) Yoshifumi Noge Art Unit 1774
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.)
 (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
 The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:



/AG/

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Attachment to Notice of Abandonment

For questions concerning the notice contact
Office of Patent Publication
Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment